

1 DESAI LAW FIRM, P.C.
2 Aashish Y. Desai, Esq. (SBN 187394)
3 Adrienne De Castro, Esq. (SBN 238930)
3200 Bristol St., Suite 650
3 Costa Mesa, CA 92626
4 Telephone: (949) 614-5830
4 Facsimile: (949) 271-4190
5 aashish@desai-law.com
5 adrianne@desai-law.com

6 Attorneys for Plaintiffs

7 Nancy Sims (Bar No. CA-215869)
nancy.sims@dlapiper.com
8 **DLA PIPER LLP (US)**
2000 Avenue of the Stars
9 Suite 400 North Tower
Los Angeles, California 90067-4704
10 Tel: 310.595.3000
Fax: 310.595.3300

11 Attorneys for Defendant
12 Domino's Pizza LLC

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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EDDIE SILVA on behalf of himself
and all others similarly situated,

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Plaintiff,

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v.

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DOMINO'S PIZZA, a Michigan
Corporation, and DOES 1-10,
inclusive.

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Defendants.

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CASE NO. 8:18-cv-02145-JVS-JDE

**JOINT STIPULATION AND
REQUEST FOR ENTRY OF
JUDGMENT**

[L.R. 40-1.1]

Complaint Served: October 31, 2018

1 Plaintiff Eddie Silva (“Plaintiff”) and Defendant Domino’s Pizza LLC
2 (“Defendant”) (collectively, the “Parties”), by and through their respective counsel,
3 hereby stipulate and agree to the following:

4 WHEREAS, this action arises out of a dispute between Domino’s and
5 Plaintiff Eddie Silva, a former employee, regarding Domino’s alleged issuance of
6 improper wage statements and failure to properly compensate its drivers;

7 WHEREAS, on October 23, 2018, Plaintiff filed suit against Domino’s
8 alleging, among other things, a violation of the Private Attorneys’ General Act
9 (“PAGA”), Labor Code section 2698 *et seq.*;

10 WHEREAS, on April 29, 2019, Plaintiff filed an Amended Complaint
11 asserting only PAGA claims (Dkt. 30);

12 WHEREAS, Domino’s moved to dismiss, or, in the alternative, strike,
13 Plaintiff’s PAGA claim to the extent it was based on alleged violations of
14 California meal and rest break laws. (Dkt. 34).

15 WHEREAS, by Order dated July 22, 2019, the Court deferred ruling on the
16 motion to dismiss, stayed Plaintiff’s meal and rest break claims pending the Ninth
17 Circuit’s ruling in *Labor Commissioner for the State of California v. Fed. Motor*
18 *Carrier Safety Admin.*, No. 19-70329 (9th Cir. May 30, 2019) (“FMCSA”), and
19 otherwise denied Domino’s motion. (Dkt. 40);

20 WHEREAS, the Parties subsequently filed Cross-Motions for Summary
21 Judgment (Dkts. 63, 65);

22 WHEREAS, on August 1, 2020, the Court issued an Order (the “Summary
23 Judgment Order”) denying Plaintiff’s Motion for Summary Judgment and granting
24 in part Domino’s Motion for Summary Judgment (Dkt. 88);

25 WHEREAS, as a result of the Summary Judgment Order, the only issues left
26 to try were the previously stayed portions of Plaintiff’s PAGA claim that were
27 predicated on alleged meal and rest break violations;

28 WHEREAS, the Parties filed a Joint Stipulation to Vacate Trial Date, Pretrial

1 Conference Date, and All Related Dates (“Joint Stipulation to Vacate Trial Date”)
2 on August 19, 2020 (Dkt. 89);

3 WHEREAS, on August 20, 2021, the Court granted the Parties’ Joint
4 Stipulation to Vacate Trial Date, vacating the trial date and all related deadlines
5 and continuing the stay of the two remaining issues pending the Ninth Circuit’s
6 decision in the *FMSCA* matter (Dkt. 90);

7 WHEREAS, the Ninth Circuit issued its decision in the *FMCSA* case on
8 January 15, 2021, upholding the Federal Motor Carrier Safety Administration’s
9 decision that California meal and rest break regulations are preempted by federal
10 law;

11 WHEREAS, the Parties met and conferred following the issuance of the
12 Ninth Circuit’s decision in *FMSCA* and agreed that, as a result of that decision,
13 there were no issues left to try;

14 NOW, THEREFORE, the Parties, by stipulation, respectfully request that
15 the Court enter the Proposed Judgment submitted concurrently herewith, in
16 accordance with the Federal Rule of Civil Procedure 58(a).

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Dated: January 27, 2021

DLA PIPER US LLP

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By: /s/ Nancy Sims

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Nancy Sims

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Attorneys Domino’s Pizza LLC

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Dated: January 27, 2021

DESAI LAW FIRM, P.C.

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By /s/ Aashish Y. Desai

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Aashish Y. Desai

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Adrianne De Castro

Attorneys for Eddie Silva

1 **SIGNATURE CERTIFICATION**

2 Pursuant to L.R. 5-4.3.4(a)(2)(i), the undersigned certifies that all other
3 signatories listed, and on whose behalf the filing is submitted, concur in the filing's
4 content and have authorized the filing.

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7 Dated: January 27, 2021

By: /s/ Nancy Sims

8 Nancy Sims

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